IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 18 OF 2005

NATIONAL INSURANCE CO.LTD.,PANAJI GOA ....Petitioners

Versus

SHRI SHRIKANT CHANDRAKANT PARAB AND 2 ORS., ...Respondents

Mr. E. Afonso, advocate for the petitioner.
Mr. H. R. Bharne, advocate for respondent no.3.

Coram:- R. M. LODHA, J.

Date:- 26th August, 2005

P.C.

Heard Mr. E. Afonso, learned counsel for the petitioner and perused the impugned Order dated 30th April, 2005.

The impugned Order came to be passed in execution application for the execution of the Order passed under Section 140 of the Motor Vehicles Act, 1988. The contention of the learned counsel for the petitioner is that the Order under Section 140 of the Motor Vehicles Act, 1988 is without jurisdiction and void. He further submitted that finally upon disposal of the claim petition under Section 166 of the Motor Vehicles Act, the petitioner has been absolved from any liability.

I am not persuaded by the submissions of the learned counsel for the petitioner. Section 140 of the Motor Vehicles Act, 1988 relates to "no fault liability" and once that order is passed, the party who has suffered the order has to make payment under "no fault liability" as provided in Section 140 of the Motor Vehicles Act, irrespective of the final outcome in the claim petition. The learned counsel for the petitioner did not dispute that the order passed by the Motor Accident Claims Tribunal under Section 140 of the Motor Vehicles Act, was not challenged. In execution thereof the objection of the petitioner that the order was void

did not have any merit.

No interference is called for in the impugned Order.

The revision application is dismissed in limine.

R. M. LODHA, J.